

Local Bankruptcy Form 320.1, 12 Motion

[Caption as in Bankruptcy Official Form No. 16B]

Motion to Confirm Chapter 12 Plan

THE DEBTOR MOVES FOR ORDERS AS FOLLOWS:

(1) For an order confirming plan filed [insert date].

(2) In accordance with the requirements of ' 1225(a)(4), debtor(s) assert(s) that as of the effective date of the Plan, the value of property to be distributed under the Plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor(s) were liquidated under Chapter 7, Title 11, United States Code, on such date. This contention is based upon the facts set forth below:

a. As of the date of the Petition, the debtor(s) owned property which would be part of the property of the estate, as defined by 11 U.S.C. ' 541, if a Petition had been filed under Chapter 7 of Title 11 of the United States Code. That property has a liquidation value after deduction of the amount of liens and encumbrances against such property of\$ _____

b. If debtor(s) had filed a Petition for Relief under Chapter 7 on same date, debtor(s) would be entitled to exempt from the Estate property having a value\$ _____

Debtor(s) has (have) claimed such property as exempt in the manner required by law.

c. If debtor(s) had filed a Petition under Chapter 7 on said date:

1. Debtor(s) would owe debts entitled to priority under 11 U.S.C. ' 507, including costs of administration, in the total amount of\$ _____

2. Debtor(s) would owe allowed unsecured claims in the total amount of\$ _____

d. There would be available for distribution to creditors holding allowed unsecured claims after payment of priority claims an amount of\$ _____

e. It is estimated that distribution under Chapter 7 to each creditor holding an unsecured claim as of said date would be _____% of each claim.

f. The Chapter 12 Plan provides that creditors holding allowed unsecured claims which are timely filed in accordance with Fed.R.B.P. 3002 and 3004 will receive at least _____% of each claim.

(3) For an order pursuant to 11 U.S.C. ' 506(a) valuing secured claims which are to be paid through the plan (list here all claims in which there is a dispute over the value of collateral).

Debtor alleges that the allowed secured and allowed unsecured claims of creditors holding collateral are:

Name of Creditor	Description of Collateral	Amount of Debt	Debtor's Contention of Value of Collateral

Debtor(s) believes (believe) the property has the value set forth above because: _____
_____.

(4) For an order pursuant to ' 1225(a)(5) valuing property to be distributed under the plan to holders of secured claims who do not accept the plan (list here all such secured claims whether the value of collateral is disputed or admitted).

In support of confirmation and for determination that as of the effective date of the Plan the value of property to be distributed to holders of secured claims under the Plan is not less than the allowed amount of such claims, it is alleged that the following is correct:

Name of Creditor	Allowed Secured Claim	Total to be paid on secured claim	Capitalization rate in percentage

Creditors shall take notice that in the absence of a written objection by a creditor, the valuations asserted above by the debtor will be accepted by the Court and shall be used in the Court's determination of the amounts to be distributed to holders of secured claims who do not accept the Plan.

The capitalization rate set forth above was chosen because:_____.

(5) For an order approving the classification of claims (strike this paragraph if not applicable).

In support of a determination that the classification of unsecured claims in the Plan complies with 11 U.S.C. ' 1222(b)(1), it is asserted that the classification contained in the Plan is based upon the facts asserted below.

Unsecured claims (Class Four) are classified as follows:

The Plan provides the same treatment for each claim within each subclass of Class Four.

The claims of each subclass of Class Four are substantially similar to the remaining claims in that subclass because _____.

The division of unsecured claims into subclasses does not discriminate unfairly against any other subclass because _____.

(6) For an order pursuant to ' 1222(c) approving time for payments over a period of more than 36 months (strike any portion of this paragraph not applicable).

The Plan requires payment over a period of approximately ____ months. Because the Plan takes more than 36 months to complete distribution, the debtor requests approval of the Court. Cause exists for the payment over a period of more than three years but not longer than five years as follows (explain):_____.

Dated:_____

Signature of Debtor

Signature of Spouse

Signature of Attorney for Debtor

Attorney's Address

City, State, and Zip Code

Telephone Number

Verification

Under penalty of perjury, I (we) do hereby adopt the statements contained in this motion and state that those statements are true to the best of my (our) knowledge and belief.

Dated:_____

Signature of Debtor

Signature of Spouse